

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KEVIN C. BRATHWAITE,)	
)	
Petitioner,)	
)	
v.)	C.A.No. 06-472-GMS
)	
THOMAS L. CARROLL,)	
)	
Respondent.)	

MOTION FOR EXTENSION OF TIME TO FILE ANSWER

1. The petitioner, Kevin Brathwaite, has applied for federal habeas relief challenging the validity of his convictions. (D.I. 1).
2. By the terms of the Court's order, the respondent is directed to answer the petition and attach to the answer certified copies of the state court records material to the questions raised in the petitioner's writ. (D.I. 8)
3. The undersigned's present caseload has prevented him from completing an answer to Brathwaite's six-ground petition for writ of habeas corpus within forty-five days, as ordered by this Court. The undersigned anticipates completing the answer to the instant petition by December 22, 2006. This is Respondent's first request for an extension of time.

4. Respondent submits that an extension of time to and including December 22, 2006 in which to complete the answer in this case is reasonable.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/

Gregory E. Smith, I.D. No. 3869
Deputy Attorney General
820 North French Street, 6th Floor
Carvel State Building
Wilmington, Delaware 19801
(302) 577-8398

Dated: November 8, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KEVIN C. BRATHWAITE,)	
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v.)	C.A.No. 06-472-GMS
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THOMAS L. CARROLL,)	
)	
Respondent.)	

STATEMENT OF COUNSEL PURSUANT TO LOCAL RULE 7.1.1

COMES NOW, Deputy Attorney General Gregory E. Smith, Counsel for Respondent, and pursuant to D. Del. LR 7.1.1 does hereby make the following statement:

1. The undersigned has not corresponded or attempted to contact Petitioner as he is incarcerated, but anticipates that the instant Motion is opposed.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ _____
Gregory E. Smith, I.D. No. 3869
Deputy Attorney General
820 North French Street, 7th Floor
Carvel State Building
Wilmington, Delaware 19801
(302) 577-8398

Dated: November 8, 2006

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THOMAS L. CARROLL,)	
)	
Respondent.)	

ORDER

Whereas, Respondent Thomas Carroll has requested an extension of time in which to answer Brathwaite's petition for writ of habeas corpus and has presented reasonable cause for the request;

IT IS SO ORDERED this ____ day of _____, 200__, that Respondent's answer shall be due on or before December 22, 2006.

Gregory M. Sleet
United States District Judge

CERTIFICATION OF SERVICE

The undersigned certifies that on November 8, 2006, he electronically filed the attached *Motion for Extension of Time* with the Clerk of Court using CM/ECF. The undersigned further certifies that on November 8, 2006 that he mailed by United States Postal Service the document(s) to the following non-registered participant:

Kevin C. Brathwaite
SBI No. 00315294
Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/

Gregory E. Smith, ID # 3869
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820 North French Street, 6th Floor
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Wilmington, Delaware 19801
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